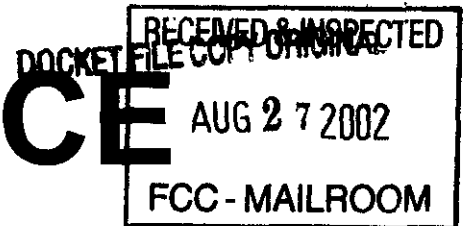




PUBLIC NOTICE



Federal Communications Commission
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DA 02-2068
Released: August 22, 2002

DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO TRANSFER ASSETS FROM LOGIX COMMUNICATIONS CORPORATION TO WESTERN COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-217

On July 19, 2002, Western Communications, Inc. (Western) and Logix Communications Corporation (Logix) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, for approval to transfer control of the section 214 authorization held by Logix to provide domestic switched telecommunication services, and for Western to acquire certain Logix facilities.

Applicants assert that this application is subject to streamlined processing under section 63.03(b)(2)(i) of the Commission's rules because both parties to the proposed transaction are non-dominant, and subsequent to this application, the transferee, Western, will have less than 10 percent of the domestic, interexchange market share, and will provide competitive domestic telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to the transaction.¹

Logix is an Oklahoma corporation that provides local exchange services, domestic and international long distance services, high-speed Internet access, and enhanced data services to more than 35,000 customers in Arkansas, Kansas, Missouri, Oklahoma, and Texas. On February 28, 2002, Logix and its parent company, Logix Communications Enterprises, Inc., filed voluntary bankruptcy petitions under Chapter 11 of the United States Bankruptcy Code in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division, to restructure their operations.²

¹ 47 C.F.R. § 63.03(b)(2)(i).

² By letter of May 16, 2002. Logix informed the Commission that it has been designated Logix Communications Corporation, Debtor in Possession.

Western is a Texas corporation that was formed to purchase certain assets of Logix, including telecommunications assets and customer accounts, from the bankruptcy estate. This transfer of control application is being filed to implement the Asset Purchase Agreement between the parties.³

Applicants assert that this transfer of control will serve the public interest, convenience, and necessity by ensuring continuity of service to Logix's customers and promoting competition in the domestic and interexchange services market. Applicants state that approval of this transfer of Logix section 214 authorization and certain facilities such as switches will allow Western to provide high-quality switched telecommunications services to Logix's customers utilizing existing facilities and services from other providers.

GENERAL INFORMATION

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.⁴ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding,

³ Logix has also filed with the International Bureau an application requesting authorization to transfer the Logix global resale international section 214 authority to Western.

⁴ *See* 47 C.F.R. § 63.03(a).

commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Bill Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (4) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: iellis@fcc.gov; and
- (5) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.